IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.5183 of 2008
VIJAY SHANKER SINGH & ANR
Versus
STATE OF BIHAR
With

Cr.Misc. No.5687 of 2008
JITENDRA SINGH
Versus
STATE OF BIHAR
With

Cr.Misc. No.16375 of 2008
GAJENDRA SINGH
Versus
THE STATE OF BIHAR
With

Cr.Misc. No.14298 of 2008
AMIT KUMAR SINGH
Versus
STATE OF BIHAR
With

WEB COPY
NOT OFFICIAL

Cr.Misc. No.14299 of 2008
PREM PRAKASH @ PREM PRAKASH KUMAR @ AVINASH
Versus
STATE OF BIHAR
With

Cr.Misc. No.6728 of 2008
RAM EKBAL SINGH @ EKBAL SINGH
Versus
STATE OF BIHAR
With

Cr.Misc. No.4595 of 2008
NAND KISHORE SINGH
Versus
STATE OF BIHAR
With

Cr.Misc. No.14001 of 2008
RAM SIHASAN SINGH @ SINHASAN SINGH
Versus
STATE OF BIHAR

6/ 28.08.2008 Heard.

These eight petitions arisen out of Dehri (Indrapuri) P.S. Case No. 222 of 2007. The first petition is on behalf of two petitioners Vijay Shankar Singh and Sri Niwash Singh and the remaining seven petitions are on behalf of seven petitioners, one in each of the petitions.

There are two deceased Santosh Kumar Singh and Indradeo Singh being the father of the informant. The informant is the brother of the deceased Santosh Kumar Singh and the third brother Ajit Singh is an injured person. There appears some dispute for some land and the motive for forming an assembly and trespassing into the house of the informant and picking up the family members for being assaulted. Santosh Kumar Singh and Indradeo Singh, the two deceased along with Ajit Singh were rushed to local hospital, who were referred to the hospital in Banaras and they died either on way or in the hospital in Banaras.

WEB COPY NOT OFFICIAL

Coming to the allegations, deceased Santosh Kumar Singh is alleged to be assaulted by Ravindra Singh with dagger, Surendra Singh by sword and Nand Kumar Singh and Gajendra Singh (petitioner) and Vijay Kumar Singh by Bhala. As regards Indradeo Singh, there is omnibus allegation against the accused

persons of assaulting him with all weapons, i.e., Bhala, Garasa, Chhura, lathi, Barchha. Similar is the allegation of assault as regards injured Ajit Singh.

The contention is that there were three incised wounds found on deceased Santosh Kumar Singh, out of which No. 2 and 3 were communicating to each other and No. 1 measuring 2 ½ " x 2" x cavity deep was found on forehead. Undisputedly, the injuries could be sufficient in the ordinary course of nature to cause the death. The contention is that communicating injury no. 2 and 3 could be the result of solitary assault and there being three assailants, namely, Nand Kumar Singh, Gajendra Singh, Vijay Kumar Singh with Bhala and the fourth Surendra Singh with sword, it could not be assigned to a particular accused. It was further contended that from which assault, of each of the accused persons including the petitioner Gajendra Singh the deceased died has not been clearly stated in the FIR. It was contended that as regards the other petitioners, there is absolutely no allegation specifically made against any of them and they are alleged also to have assaulted the two deceased and the injured.

WEB COPY NOT OFFICIAL

The learned counsel appearing for the informant and

the learned Additional Public Prosecutor have taken me to paragraph 19 of the case diary, which is the further statement of the informant and has stated that there is some specific allegation given in the further statement against Nand Kumar Singh and Gajendra Singh (petitioner) of dealing Bhala blows in the stomach of the deceased Santosh Kumar Singh, as a result of which his intestine came out. It was further contended that Surendra Singh dealt sword blow on the head of Santosh Kumar Singh, whereas, there is no site stated as to where the chhura blow given by Ravindra Singh landed. Reference was also made to paragraph 75 of the case diary containing the statement of Manoj Kumar, who does not appear an eye witness and his statement is on based account of learning the incident and the manner of occurrence from his injured brother Ajit Singh.

WEB COPY NOT OFFICIAL

It is very difficult at the present stage of investigation and the facts so far collected, to say as to what could really be the factual position, as regards the allegations. But, this much is very clear that when the allegations. But, considered in the light of the FIR as also in the light of the further statement of the informant, there could be a possibility that the communicating

injuries no. 2 and 3, which could be the real cause of death could be assigned to both Nand Kumar Singh and Gajendra Singh (petitioner) and considering that, the prayer for bail of petitioner Gajendra Singh (Nand Kumar Singh is not the petitioner in any of the petitions) is, hereby, dismissed.

As regards the other remaining eight petitioners in the batch of all the petitions, namely, Vijay Shankar Singh, Sri Niwash Singh, Jitendra Singh, Amit Kumar Singh, Prem Prakash @ Prem Prakash Kumar @ Avinash Kumar, Ram Ekbal Singh @ Ekbal Singh, Nand Kishore Singh and Ram Sihasan Singh @ Sinhasan Singh it is ordered that they be released from custody on furnishing bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Rohtas in connection with Dehri (Indrapuri) P.S. Case No. 222 of 2007.

The petitions are disposed of accordingly.

WEB COPY NOT OFFICIAL

DKS/ **(Dharnidhar Jha, J)**